

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
AT NASHVILLE**

<b>TERRY LYNN KING,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b><u>CAPITAL CASE</u></b>
	)	
<b>v.</b>	)	<b>Case No. 3:18-cv-01234</b>
	)	
<b>TONY PARKER, et al.,</b>	)	<b>JUDGE CAMPBELL</b>
	)	
<b>Defendants.</b>	)	

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**DEFENDANTS’ MOTION FOR SUMMARY JUDGEMENT**

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Plaintiff, a death-row inmate, brought this lawsuit to “prevent[] Defendants from carrying out the Plaintiff King’s execution utilizing Tennessee’s July 5, 2018 midazolam-based three-drug lethal injection protocol.” (D.E. 51, PageID# 2280.) The sole remaining count of the Amended Complaint is Count Three, which challenges the Protocol under 42 U.S.C. § 1983 on the grounds that it violates the Eighth and Fourteenth Amendments. (D.E. 51, PageID# 2142, 2211; D.E. 70).

Defendants Tony Parker<sup>1</sup> and Tony Mays now move for summary judgment under Fed. R. Civ. P. 56. As set out in the accompanying memorandum of law, which is incorporated by reference, Defendants should be granted summary judgment for the following reasons: (1) the Protocol, on its face, is neither sure nor very likely to cause needless suffering and severe pain in violation of the Eighth Amendment; (2) the Protocol contains sufficient safeguards to protect

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<sup>1</sup> Tony C. Parker recently retired as Commissioner of the Tennessee Department of Correction, and Lisa Helton is currently the Interim Commissioner. See TN.gov, Gov. Lee Appoints Lisa Helton as Tennessee Department of Correction Interim Commissioner, <https://www.tn.gov/governor/news/2021/11/29/gov--lee-appoints-lisa-helton-as-tennessee-department-of-correction-interim-commissioner.html>.

against any alleged risks of maladministration; and (3) Plaintiff has failed to plead and prove an alternative method of execution that is available, feasible, readily implemented, and significantly reduces a substantial risk of severe pain.

Respectfully submitted,

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*s/ Rob Mitchell*

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## CERTIFICATE OF SERVICE

I certify that on March 16, 2022, a copy of the foregoing was filed and served via the Court's CM/ECF system on the following:

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